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COMMITTEE ON SUBORDINATE LEGISLATION

(EIGHTH LOK SABHA)

SIXTEENTH REPORT

(Presented on 4 December, 1987)

LOK SABHA SECRETARIAT
NEW DELHI

December, 1987 /Agrahayana, 1909 (Saka)

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COMPOSITION OF THE COMMITTEE ON SUBORDINATE LEGISLATION

(1987-88)

Shri Shyam Lal Yadav—*Chairman*

2. Shri K. J. Abbasi
3. Shri G. S. Basavaraju
4. Shri Parasram Bhardwaj
5. Shri Satyendra Chandra Guria
6. Shri A. Jayamohan
7. Shri R. S. Khirhar
8. Shri P. Kolandaivelu
9. Shri R. S. Mane
10. Shri Prakash V. Patil
11. Shri Mullappally Ramachandran
12. Shri M. Raghuma Reddy
13. Shri Kalicharan Sakargayen
14. Shri Syed Shahabuddin
15. Shri Natavarsinh Solanki

SECRETARIAT

1. Shri K. C. Rastogi—*Joint Secretary*
2. Shri G. S. Bhasin—*Chief Legislative Committee Officer*
3. Shri O. P. Chopra—*Senior Legislative Committee Officer*

INTRODUCTION

I, the Chairman of the Committee on Subordinate Legislation having been authorised by the Committee to present the Report on their behalf, present this their Sixteenth Report.

2. The matters covered by this Report were considered by the Committee (1987-88) at their sitting held on 8 September, 1987.

3. The Report was considered and adopted by the Committee at their sitting held on 26 November, 1987. The Minutes of the sittings relevant to the Report are appended thereto.

4. For facility of reference and convenience, recommendations/ observations of the Committee have been printed in thick type in the body of the Report and have also been reproduced in a consolidated form in Appendix I to the Report.

NEW DELHI;
November 26, 1987.
Agrahayana 5, 1909 (*Saka*).

SHYAM LAL YADAV
Chairman,
Committee on Subordinate Legislation

REPORT

I

THE COCHIN PORT EMPLOYEES (GRANT OF ADVANCE FOR BUILDING OF HOUSES) REGULATIONS, 1971

Regulation 2(i) of the Cochin Port Employees (Grant of Advance for building of Houses) Regulations, 1971, reads as under:—

> " 'Permanent Employees' and 'Temporary Employees' shall have the same meaning assigned to them respectively in the Cochin Port Employees (Recruitment, Seniority and Promotion) Regulations, 1964."

2. The Ministry of Transport (Department of Surface Transport) were asked to define the terms 'Permanent Employee' and 'Temporary Employee' appearing in the Regulations so as to avoid legislation by reference and to make the Regulations self-contained.

3. The Ministry of Transport (Department of Surface Transport) in their reply dated 19 November, 1986, stated as under:—

> "The suggestion of the Committee is accepted."

4. At the instance of the Committee, the Ministry of Transport (Department of Surface Transport) have agreed to define the terms 'Permanent Employee' and 'Temporary Employee' appearing in Regulation 2(i) so as to avoid legislation by reference and to make the Regulations self contained. The Committee desire that necessary amendment in this behalf may be made and notified in the Official Gazette at an early date.

II

CLASS I OFFICERS OF THE COCHIN PORT TRUST (ACCEPTANCE OF EMPLOYMENT AFTER RETIREMENT) REGULATIONS, 1973

(A)

5. Regulation 2(d) of the Class I Officers of the Cochin Port Trust (Acceptance of Employment after Retirement) Regulations, 1973, reads as under:—

> "(d) 'Class I post' shall have the same meaning as assigned to it under the Cochin Port Employees (Classification, Control and Appeal) Regulations, 1964."

6. The Committee enquired whether the definition of the term 'Class 1 Post' could not be included in the Regulation itself to make the Regulation self-contained and to avoid definition by reference.

7. The Ministry of Transport (Department of Surface Transport) in their reply dated 19 November, 1986, stated as under:—

"The recommendation of the Committee is accepted."

8. The Committee are happy to note that in deference to their wishes, the Ministry of Transport (Department of Surface Transport) have agreed to define 'Class I Post' mentioned in Regulation 2(d) in the Regulations itself with a view to avoid definition by reference and to make the Regulation Self-contained. The Committee would like the Ministry to amend the Regulations accordingly and to notify the amendment in the Official Gazette at an early date.

(B)

(9) Sub-regulation (5) of Regulation 3 of the Class I Officers of the Cochin Port Trust (Acceptance of Employment after Retirement) Regulations, 1973, reads as under:—

"In respect of Officers of the Engineering Department, whether in the executive or administrative side, permission within two years of retirement for seeking employment as contractors for or in connection with the execution of works of the Trust or as employees of such contractors who are executing such works may be given very rarely and only in special circumstances."

10. As the words "special circumstances" appearing in the sub-regulation appeared to be vague, the Ministry of Transport (Department of Surface Transport) were asked to state whether they had any objection in clearly defining those words and also for laying down proper guidelines for giving permission to Officers of the Engineering Department who seek employment within two years of their retirement. This would eliminate the subjective interpretation of the rules in different cases. The Ministry have in their reply dated 19 November, 1986, stated:

"The suggestion of the Committee is accepted."

11. The Committee are happy to note that the Ministry of Transport (Department of Surface Transport) have agreed to clearly define the words "special circumstances" as mentioned in Regulation

3(5). The Committee desire that the Regulation may be suitably amended and the amendments made may be notified in the Official Gazette at an early date.

12. The Committee also desire that proper guidelines for regulating cases of Officers who seek permission for employment after retirement may be laid down so that discretionary powers are not used in any way to the detriment of any officer.

III

THE COCHIN PORT AND DOCK REGULATIONS, 1975

(A)

13. Regulation 17 of the Cochin Port and Dock Regulations, 1975, reads as under:—

> "*Vessels lying outside the Channel to be moved.*— A vessel lying at the outer roads near the entrance channel shall be removed by the master or owner if and when required by the Deputy Conservator, Should such removal not be effected promptly it shall be carried out under the orders and directions of the Deputy Conservator at the risk and expense of the master or owner of such vessel."

14. The Ministry of Transport (Department of Surface Transport) were asked to state whether (i) any time limit was given to the master/owner of the vessel to remove the vessel lying outside the channel (ii) a time limit should not be laid down in the Regulations in all fairness to the master or owner of the vessel; and (iii) the word 'promptly' being vague could be misconstrued by different Deputy Conservators and should therefore be specifically defined in the Regulations.

15. The Ministry of Transport (Department of Surface Transport) in their reply dated 19 November, 1986, stated as under:—

> "Normally a vessel anchored at outer roads will and should have her engines in readiness on short notice. One hour notice will be adequate if a time limit has to be prescribed. We may agree to amend the provision to fix a limit of one hour with a provision that it can be relaxed by Deputy Conservator with reasons to be recorded in writing."

16. The Committee note that the Ministry of Transport (Department of Surface Transport) have agreed to amend Regulation 17 with a view to make a provision that a time limit of one hour may be laid down to enable the master/owner of the vessel to remove the vessel lying at the outer roads near the entrance. This time limit may be relaxed by the Deputy Conservator after recording in writing the reasons for doing so. The Committee desire that the necessary amendments to the Regulation for giving effect to the above decision may be issued and notified in the official gazette at an early date.

(B)

17. Regulation 23 of the Cochin Port and Dock Regulations, 1975, reads as under:—

> *"Vessel to be in charge of competent persons.*—During such time a vessel remains in Port, the master or owner or other responsible officer and sufficient crew shall always be on board and shall superintend and direct the carrying out of all duties in connection with the vessel or the loading or unloading of her cargo."

18. As the rank of "other responsible officer" was not specified in the regulations, the Ministry of Transport (Department of Surface Transport) were asked to specify the same in the regulation with a view to make the regulations self-contained.

19. The Ministry of Transport (Department of Surface Transport) in their reply dated 19 November, 1986, stated as under:—

> "Other responsible officer should mean a Deck Officer not below the rank of Third Officer. He may not hold a Certificate of competency. (In case of uncertified 3rd officer the master would be responsible for his actions.)"

20. The Committee note with satisfaction that at their instance, the Ministry of Transport (Department of Surface Transport) have agreed to specify the rank of "other responsible officer" occurring in Regulation 23. Such an officer would mean a Deck Officer not below the rank of Third Officer. In case of uncertified Third Officer, the Master would be responsible for his actions.

21. The Committee would like the Ministry to amend the Regulations on the lines suggested by them and notify the amendment in the official gazette at an early date.

(C)

22. Regulation 98 of the Cochin Port and Dock Regulations, 1975, reads as under:—

> "*Arms and ammunition*:—The Master, owner or agent of every vessel entering Port and having on board, as import cargo for discharge, packages containing arms and ammunition, shall furnish to the Traffic Manager a complete list of all such packages before the arrival of the vessel in Port. No ammunition except that of safety class including safety fuse for blasting, railway for signals and persussion caps shall be landed at the wharf or stream berths. Packages containing arms and ammunition shall be sealed by the master of the vessel before discharge, and shall under no circumstances be discharged at night. Immediately they are discharged, they shall be delivered direct to the owners and shall make all necessary arrangements, in advance, to take delivery of the packages accordingly. The Board has no liability or responsibility whatsoever, in respect of any such packages discharged from the vessel otherwise than in strict conformity with this regulation.
>
> *Note*:—Packages containing arms and ammunition, the property of the Central Government or any State Government will not be required to be sealed before discharge."

23. Since packages containing arms and ammunition of Central/State Government are not required to be sealed before discharge, the Committee desired to know how it was ensured that they were not wrongly delivered. The Ministry of Transport (Department of Surface Transport) in their reply dated 19 November, 1986, stated as under:—

> "For giving delivery of any cargo, including arms and ammunitions, the consignee has to produce documentary evidence. When the documentary evidence is not satisfactory with the markings and numbers of the packages, no delivery is effected. Therefore, there is not risk of misdelivery/wrong delivery. Once the cargo is delivered to the persons entitled to receive it, the responsibility to ensure that it does not go astray rests with him."

24. In view of the position explained by the Ministry of Transport (Department of Surface Transport) regarding delivery of packages containing arms and ammunitions of Central/State Governments, the Committee do not wish to pursue the matter further.

(D)

25. Regulation 104 of the Cochin Port and Dock Regulations, 1975, reads as under:—

"*Unpressed cotton, aloe fibre, unpressed hemp, cotton fly, oily waste, American cotton, etc.—Package of unpressed cotton*, known as buffaloes, docras and bundles, American cotton, hemp and jute, except in full pressed bales, Indian, aloerhea, coir and other fibres, flex, waste (clean and oil) and cotton fly except in full pressed bales or such other packing as may be specified from time to time by the Traffic Manager grasses of all kinds, coaltar, pitch and cinema and camera films except those having a cellulose, acetate or other safety base, exposed or unexposed, packed in wooden or light metal cases, and scrap or waste film, of cellulose, acetate or other safety base, packed in wooden cases or iron or steel drums and other hazardous goods the Board may from time to time notify in this behalf, shall not be placed on the quays or stored in the transit sheds, but shall forthwith on arrival of the vessel be taken delivery of by the owner of the goods or by the master, owner or agent of the vessel. And if any such package is brought into the Board's premises for shipment it shall not be placed on any quay, or road but shall forthwith be shipped. The Traffic Manager, may by arrangement, allow unpressed cotton, and other hazardous goods to be stored on the quays or other open spaces, at the risk and responsibility of the owner, and the Board will not be responsible or liable for any damage sustained from rain or from any cause whatsoever. Unpressed cotton and other hazardous goods shall be removed by the owners or shippers, if called upon on six hours' notice being given by the Traffic Manager, and if not so removed, the Traffic Manager may remove such goods at the cost of the said owner of shipper. Packages of American cotton cannot be received into any of the transit sheds normally, but will be landed

on the quay, and removed immediately and stored in the Port's fumigation chambers, for fumigation, at the expense of the owner; provided that the Traffic Manager may, at his discretion for sufficient reasons, allow the storage of these packages in the transit sheds under conditions to be stipulated by him."

26. The Ministry of Transport (Department of Surface Transport) were asked to state (i) the conditions stipulated for storage of American cotton packages in transit sheds; and (ii) whether any guidelines had been laid down for exercise of the discretionary powers by the Traffic Manager for allowing storage in transit sheds. The Ministry of Transport (Department of Surface Transport) in their reply dated 19 November, 1986, stated as under:—

"In the normal course all cargo meant for import and export are stored in the transit sheds only. Items of cargo which cannot be taken into the Transit Shed due to its size etc., will be kept outside. In the event of any consignee shipper insisting that such cargo should be stored in the quay or open space in the wharf, it will be permitted by the Traffic Manager provided the shipper|consignee takes full responsibility for any damage. Although American Cotton bales or any cotton bales are normally required to be taken to fumigation chambers immediately on landing, due to lack of adequate capacity of these chambers, some of the cargo is stored in the transit sheds before taking it to fumigation chambers.

As far as storing of various types of cargo is concerned, the instructions contained in the Traffic Manual and the International Maritime Organisation are followed. Therefore, there is no reason to suspect discretionary powers entrusted to the Traffic Manager being used in a manner not conducive to the interest of the trade."

27. In view of the position explained by the Ministry of Transport (Department of Surface Transport) in regard to the (i) the conditions for storage of American cotton packages in transit sheds, and (ii) the exercise of the discretionary powers vested in the Traffic Manager for allowing storage in transit sheds, the Committee do not wish to pursue the matter further.

28. Sub-Regulation (10) (iv) of Regulation 107 of the Cochin Port and Dock Regulations, 1975, reads as under:—

"(10) *Precautions while loading and discharging*:

(i) Armoured hose shall be used to connect the valves on board to the pipeline on shore and all the connections shall be made completely leak-proof mechanically and electrically continuous before the discharge of loading of Petroleum in bulk is commenced.

(ii) All pipes and other appliances used in the landing and loading of Petroleum Class 'A' in bulk shall be free from leakage.

(iii) ** ** ** **
** ** ** **

(iv) The Chief Inspector of Explosives may by written order, grant exemption in any particular case from the provisions of Sub-regulation 10(i) and (ii)."

29. The Committee desired to know whether any guidelines has been laid down for the guidance of the Chief Inspector of Explosives for granting exemptions envisaged in sub-regulation (iv) of Regulation 107 and whether the exemptions allowed by Chief Inspector of Explosives would not endanger safety.

30. The Ministry of Transport (Department of Surface Transport) in their reply dated 19 November, 1986, stated as under:—

"The Port Trust has not laid down any guidelines for the Chief Inspector of Explosives. Sub-clause (iv) is only an enabling provision and the exemption if any granted by the Chief Inspector, will be in accordance with safety standards."

31. The Committee recommend that the Ministry of Transport (Department of Surface Transport) may issue suitable guidelines to be followed by the Chief Inspector of Explosives for granting exemptions in accordance with safety safeguards under sub regulation (10)(iv) of Regulation 107 of the Cochin Port and Dock Regulations, 1975. The guidelines so laid down may be incorporated in the regulations in order to make them self-contained.

(F)

32. Regulation 135 of the Cochin Port and Dock Regulations, 1975, reads as under:—

"135. *Board not bound to find storage space for goods*:—

The Board shall have the right not to accept any goods for storage either in their godowns or in the open."

33. The Committee wanted to know the circumstances in which the Board might refuse to accept goods for storage in its godowns or in the open and whether any guidelines had been laid down in this behalf.

34. The Ministry of Transport (Department of Surface Transport) in their reply dated 19 November, 1985, stated as under:—

"In the normal course all the goods will be allowed to be stored in the shed. However, hazardous/poisonous/damaged goods are allowed to be stored only in separate place earmarked for this purpose. Clause 135 is included as a safeguard against any claim against the Port. In the normal course application of such clause will be done after careful examination of all aspects."

35. The Committee find that Regulation 135 as worded confers absolute discretionary powers in the Board not to accept any goods for storage either in their godowns or in the open. The Committee desire that with a view to avoid any misuse of the discretionary powers, the Ministry may lay down broadly the circumstances under which the Board can refuse to accept any goods for storage. The Committee also desire that the words "goods for storage" should be clearly defined in the regulation itself to obviate any ambiguity in their interpretation.

IV

THE COCHIN PORT EMPLOYEES (RETIREMENT) REGULATIONS, 1977

36. Regulation 2(ii) of the Cochin Port Employees (Retirement) Regulations, 1977, reads as under:—

"(ii) Class I, Class II, Class III, and Class IV posts shall have the meanings assigned to them in the Cochin Port

Employees (Classification, Control and Appeal) Regulations, 1964."

37. The Committee asked the Ministry of Transport (Department of Surface Transport) to include the definition of the different posts in the Regulation itself with a view to make the Regulations self-contained. The Ministry of Transport (Department of Surface Transport) in their reply dated 19 November, 1986, stated as under:-

"The recommendation of the Committee is accepted."

38. At the instance of the Committee, the Ministry of Transport (Department of Surface Transport) have agreed to include the definition of the different posts in Regulation 2(ii) with a view to avoid definition by reference and to make the Regulations self-contained. The Committee desire that necessary amendment to the regulation may be issued and notified in the Official Gazette at an early date.

V

THE COCHIN PORT EMPLOYEES (LEAVE) REGULATIONS, 1978

39. Regulation 57 of the Cochin Port (Leave) Regulations, 1978, reads as under:—

"*Power to relax*: Where the Board, is satisfied that the operation of any of these Regulations causes undue hardship in any particular case, it may by order for reasons to be recorded in writing, dispense with or relax the requirements of that Regulation to such extent and subject to such exceptions and conditions as may be considered necessary for dealing with the case in a just and equitable manner."

40. The Ministry of Transport (Department of Surface Transport) were asked to state whether there were any guidelines under which powers to relax the leave Regulations were to be exercised by the Board. The Ministry of Transport (Department of Surface Transport) in their reply dated 19 November, 1986, stated as under:—

"There are no guidelines under which the Board may exercise the powers to relax the provisions of the Leave Regulations."

41. The Committee desire the Ministry of Transport (Department of Surface Transport) to issue suitable guidelines under which powers to relax the leave regulations may be exercised by the Board. The Committee also desire that these guidelines may be laid down in the Regulation itself. The amendment made in the regulation may be published in the Official Gazette at an early date.

VI

THE COCHIN PORT EMPLOYEES (FAMILY WELFARE) REGULATIONS, 1980

42. Regulation 2 of the Cochin Port Employees (Family Welfare) Regulations, 1980, reads as under:—

> "*Application*: These Regulations shall apply to all employees of the Board including 'B' Category workers but shall not apply to those employees who are on deputation from other organisations in the service of the Board and those who are on deputation for the time being to other organisations."

43. On being asked by the Committee as to clarify the expression "'B' Category Workers", the Ministry of Transport (Department of Surface Transport) have in a note dated 19 November, 1986, stated as under:—

> "At present there is no 'B' Category of employees mentioned in the Regulations since all of them have been absorbed in 'A' Category. The Regulation will be amended suitably to bring out the actual position."

44. At their sitting held on 8 September, 1987, the Committee after considering the reply of the Ministry, desired that the actual position of 'B' Category of employees as mentioned in the Regulation 2 might be ascertained from the Ministry. The Committee further desired to know whether in view of the fact that all the 'B' category employees had been absorbed in 'A' category, the need for categorisation of employees in 'A' and 'B' category still remained.

45. In their reply dated 20 October, 1987, the Ministry stated as under:—

> "***** at the time of adopting the draft Regulations the Port had two categories of shore labour classified as 'A' and

'B', 'A' category workers were permanent workers entitled to all service benefits including pensionary benefits admissible to permanent class IV employees. 'B' category workers were temporary workers covered by terminal gratuity scheme and were entitled to minimum guaranteed wages for 16 days a month. Different rates of leave and attendance money also prevailed for both categories; A Category getting higher rates but 'B' category workers continued on rolls still absorption into 'A' category or termination of service due to death or retirement. Just as in the case of temporary employees of the Port Trust 'B' category workers were also brought within the ambit of the family welfare regulations. Since the entire 'B' category employees have since been elevated to 'A' category the Port Trust does not have 'B' category at present. Action to amend regulation 2 of the Family Welfare Regulations as suggested by the Committee on Subordinate Legislation deleting 'B' category is being taken by the Cochin Port Trust."

46. From the facts placed before them, the Committee find that the entire 'B' category employees of the Port Trust have since been elevated to 'A' category and there are no more 'B' category employees at present. The categorisation of employees in 'A' and 'B' category has thus become redundant. The Ministry have informed that action is being taken by the Cochin Port Trust to make necessary amendment in the Regulations. The Committee would like to be apprised of the action taken in this behalf at an early date.

SHYAM LAL YADAV
Chairman,
Committee on Subordinate Legislation

NEW DELHI;
November 26, 1987
Agrahayana 5, 1909 (*Saka*)

APPENDIX I

(*vide* paragraph 4 of the Report)

Summary of main recommendations/observations made by the Committee.

S. No.	Paragraph No.	Summary
1	2	3
1	4	At the instance of the Committee, the Ministry of Transport (Department of Surface Transport) have agreed to define the terms 'Permanent Employee' and 'Temporary Employee' appearing in Regulation 2(i) so as to avoid legislation by reference and to make the Regulations self-contained. The Committee desire that necessary amendment in this behalf may be made and notified in the Official Gazette at an early date.
2	8	The Committee are happy to note that in deference to their wishes, the Ministry of Transport (Department of Surface Transport) have agreed to define 'Class I Post' mentioned in Regulation 2(d) in the Regulations itself with a view to avoid definition by reference and to make the Regulation self-contained. The Committee would like the Ministry to amend the Regulations accordingly and to notify the amendment in the Official Gazette at an early date.
3 (i)	11	The Committee are happy to note that the Ministry of Transport (Department of Surface Transport) have agreed to clearly define the words "special circumstances" as mentioned in Regulation 3(5). The Committee desire that the

1	2	3
		Regulation may be suitably amended and the amendments made may be notified in the Official Gazette at an early date.
3 (ii)	12	The Committee also desire that proper guidelines for regulating cases of Officers who seek permission for employment after retirement may be laid down so that discretionary powers are not used in any way to the detriment of any officer.
4	16	The Committee note that the Ministry of Transport (Department of Surface Transport) have agreed to amend Regulation 17 with a view to make a provision that a time limit of one hour may be laid down to enable the master/owner of the vessel to remove the vessel lying at the outer roads near the entrance. This time limit may be relaxed by the Deputy Conservator after recording in writing the reasons for doing so. The Committee desire that the necessary amendments to the Regulation for giving effect to the above decision may be issued and notified in the official gazette at an early date.
5 (i)	20	The Committee note with satisfaction that at their instance, the Ministry of Transport (Department of Surface Transport) have agreed to specify the rank of "other responsible officer" occurring in Regulation 23. Such an officer would mean a Deck Officer not below the rank of Third Officer. In case of uncertified Third Officer, the Master would be responsible for his actions.
5 (ii)	21	The Committee would like the Ministry to amend the Regulations on the lines suggested by them and notify the amendment in the official gazette at an early date.

1	2	3
6	24	In view of the position explained by the Ministry of Transport (Department of Surface Transport) regarding delivery of packages containing arms and ammunitions of Central/State Governments, the Committee do not wish to pursue the matter further.
7	27	In view of the position explained by the Ministry of Transport (Department of Surface Transport) in regard to the (i) the conditions for storage of American cotton packages in transit sheds; and (ii) the exercise of the discretionary powers vested in the Traffic Manager for allowing storage in transit sheds, the Committee do not wish to pursue the matter further.
8	31	The Committee recommend that the Ministry of Transport (Department of Surface Transport) may issue suitable guidelines to be followed by the Chief Inspector of Explosives for granting exemptions in accordance with safety safeguards under sub-regulation (10) (iv) of Regulation 107 of the Cochin Port and Dock Regulations, 1975. The guidelines so laid down may be incorporated in the regulations in order to make them self-contained.
9	35	The Committee find that Regulation 135 as worded confers absolute discretionary powers in the Board not to accept any goods for storage either in their godowns or in the open. The Committee desire that with a view to avoid any misuse of the discretionary powers the Ministry may lay down broadly the circumstances under which the Board can refuse to accept any goods for storage. The Committee also desire that the words "goods for storage" should be clearly defined in the regulation itself to obviate any ambiguity in their interpretation.

1	2	3
10	36	At the instance of the Committee, the Ministry of Transport (Department of Surface Transport) have agreed to include the definition of the different posts in Regulation 2(ii) with a view to avoid definition by reference and to make the Regulations self-contained. The Committee desire that necessary amendment to the regulation may be issued and notified in the Official Gazette at an early date.
11	41	The Committee desire the Ministry of Transport (Department of Surface Transport) to issue suitable guidelines under which powers to relax the leave regulations may be exercised by the Board. The Committee also desire that these guidelines may be laid down in the Regulation itself. The amendment made in the regulation may be published in the Official Gazette at an early date.
12	46	From the facts placed before them, the Committee find that the entire 'B' category employees of the Port Trust have since been elevated to 'A' category and there are no more 'B' category employees at present. The categorisation of employees in 'A' and 'B' category has thus become redundant. The Ministry have informed that action is being taken by the Cochin Port Trust to make necessary amendment in the Regulations. The Committee would like to be apprised of the action taken in this behalf at an early date.

MINUTES

LV

MINUTES OF THE FIFTY-FIFTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (EIGHTH LOK SABHA) (1987-88)

The Committee sat on Tuesday, 8 September, 1987 from 16.30 to 17.50 hours.

PRESENT

Shri Shyam Lal Yadav—*Chairman*

MEMBERS

2. Shri K. J. Abbasi
3. Shri G. S. Basavaraju
4. Shri Parasram Bhardwaj
5. Shri Satyendra Chandra Guria
6. Shri R. S. Khirhar
7. Shri P. Kolandaivelu
8. Shri Prakash V. Patil
9. Shri Mullappally Ramachandran
10. Shri M. Raghuma Reddy
11. Shri Kalicharan Sakargayen
12. Shri Syed Shahabuddin
13. Shri Natavarsinh Solanki

SECRETARIAT

1. Shri G. S. Bhasin—*Chief Legislative Committee Officer.*
2. Shri S. P. Gaind—*Senior Legislative Committee Officer.*

2. The Committee considered Memoranda Nos. 91 to 96 as under:—

(i) *The Cochin Port Employees (Grant of Advance for building of House) Regulations*, 1971 (*Memorandum No.* 91)

3. The Committee noted that on being pointed out, the Ministry had agreed to define the terms 'Permanent Employee' and 'Temporary Emplovee' mentioned in Regulation 2(i) so as to avoid legislation by reference and make the Regulations self-contained. The Committee however, desired the Ministry to amend the Regulations and notify it in the Official Gazette at an early date.

(ii) *Class I Officers of the Cochin Port Trust (Acceptance of Employment after Retirement) Regulations*, 1973 (*Memorandum No.* 92).

(A)

4. The Committee noted that on being pointed out, the Ministry had agreed to define 'Class I Post' mentioned in Regulation 2(d) in the Regulations itself to avoid definition by reference. The Committee however, desired the Ministry to amend the Regulations and notify it in the Official Gazette at an early date.

(B)

5. The Committee noted that on being pointed out, the Ministry had no objection to define the words 'Special Circumstances' mentioned in Regulation 3(5). The Committee, therefore, desired the Ministry of amend the Regulations accordingly and notify it in the Official Gazette at an early date.

(iii) *The Cochin Port Employees (Retirement) Regulations*, 1977 (*Memorandum No.* 93).

6. The Committee noted that on being pointed out, the Ministry had agreed to amend the Regulation 2(ii) to define the posts mentioned in the said Regulation so as to avoid definition by reference and to make the Regulation self-contained. The Committee therefore, desired the Ministry to amend the Regulations and notify it in the Official Gazette at an early date.

(iv) The *Cochin Port Employees (Leave) Regulations*, 1978 (*Memorandum No.* 94)

7. After persuing the reply furnished by the Ministry, the Committee desired the Ministry to issue suitable guidelines under which powers to relax the leave regulations might be exercised by the Board. The Committee further desired the Ministry to lay down

the guidelines in the Regulations itself and publish in the Official Gazette at an early date.

(v) *The Cochin Port Employees (Family Welfare) Regulations, 1980 (Memorandum No. 95)*

8. After considering the reply furnished by the Ministry, the Committee decided that information regarding the actual position of of 'B' Category of employees as mentioned in Regulation 2, might be obtained from the Ministry. It may also be ascertained from them whether 'B' category of employee is still in existence in the Board, and whether this category will arise in future? The basis of categorisation of 'A' and 'B' also to be ascertained from the Ministry.

(vi) *The Cochin Port and Dock Regulations, 1975 (Memorandum No. 96)*

(A)

9. The Committee noted that on being pointed out, the Ministry had agreed to amend the Regulation 17 so as to provide a time limit of one hour to enable the master/owner of the vessel to remove the vessel anchored at the outside of the channel. The Committee also noted that a provision would also be added that this time limit could be relaxed by Deputy Conservator with reasons to be recorded in writing. The Committee desired the Ministry to amend the Regulation and notify it in the Official Gazette at an early date.

(B)

10. The Committee noted that on being pointed out, the Ministry had agreed to specify the rank of "other responsible officer" mentioned in the Regulation 23 as under:—

> "Other responsible officer should mean a Dock Officer not below the rank of Third Officer. He may not hold a Certificate of competency. (In case of uncertified 3rd Officer the Master would be responsible for his actions)."

The Committee therefore, desired the Ministry to amend the Regulation on the lines suggested by them at an early date.

(C)

11. In view of the position explained by the Ministry regarding delivery of packages containing arms and ammunitions of Centre/

State Government, the Committee decided not to pursue the matter further.

(D)

12. In view of the position explained by the Ministry regarding (i) the conditions for storage of American cotton packages in transit sheds and (ii) guidelines for exercise of direction by Traffic Manager for such storage, the Committee decided not to pursue the matter further.

(E)

13. The Committee after considering the reply of the Ministry in respect of Regulation 107(10) (iv) desired the Ministry to issue suitable guidelines to be followed by the Chief Inspector of Explosives for granting exemption in accordance with safety safeguards laid down and to incorporate the same in the Regulations in order to make them self-contained.

(F)

14. The Committee after considering the reply of the Ministry in respect of Regulation 135, desired the Ministry to lay down broadly the circumstances in which the Board could refuse to accept any goods for storage so as to avoid any inconvenience to the owner of a vessel and also to avoid any misuse of the discretionary powers and to incorporate the same in the Regulations. The Committee also desired the Ministry to define "goods for storage" in the Regulation.

15. The Committee then decided to undertake a study tour to Madras and Bombay during the second week of October, 1967.

The Committee then adjourned.

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MINUTES OF THE SIXTIETH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (EIGHTH LOK SABHA) (1987-88)

The Committee sat on Thursday, 26 November, 1987 from 16.00 to 16.30 hours.

PRESENT

Shri Shyam Lal Yadav—*Chairman*

MEMBERS

2. Shri K. J. Abbasi
3. Shri G. S. Basavaraju
4. Shri Parasram Bhardwaj
5. Shri Satyendra Chandra Guria
6. Shri Kalicharan Sakargayan

SECRETARIAT

1. Shri K. C. Rastogi—*Joint Secretary*
2. Shri G. S. Bhasin—*Chief Legislative Committee Officer*.
3. Shri O. P. Chopra—*Senior Legislative Committee Officer*.

2. The Committe considered the draft Sixteenth and Seventeenth Reports and adopted them.

3. The Committee authorised the Chairman and, in his absence, Shri G. S. Basavaraju, M.P. to present the Sixteenth Report to the House on 1* December, 1987.

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5. The Committee thereafter reviewed their programme for holding discussions with certain rule-making authorities at Madras, Bangalore and Bombay and decided to undertake a study visit for the purpose. tentatively in the second week of January, 1988.

6. The Committee also decided to meet again on 30 December, 1987 in the afternoon and also on 31 December, 1987, if necessary.

The Committee then adjourned.

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* Since presented on 4 December, 1987.

** Omitted portions of the minutes are not covered by this Report.